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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Lamont A Thompson,

10 Plaintiff,

11 v.

12 Corizon Health Care Incorporated, et al.,

13 Defendants.
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No. CV-19-02841-PHX-SRB (ESW)

ORDER

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16 The Court has reviewed Plaintiff's "Motion to Strike/Objection" (Doc. 39). Plaintiff
17 moves to strike the affirmative defenses in Defendants' Answers (Docs. 27, 35). Plaintiff
18 asserts that Defendants "have raised insufficient, non-applicable defenses, which in
19 addition to having no legs to stand on, are largely redundant, immaterial and have no
20 merit." (Doc. 39).

21 Federal Rule of Civil Procedure 12(f) authorizes the court to "strike from a pleading
22 an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter."
23 The purpose of a motion to strike "is to avoid the expenditure of time and money that must
24 arise from litigating spurious issues by dispensing with those issues prior to trial[.]"
25 *Sidney-Vinstein v. A.H. Robins Co.*, 697 F.2d 880, 885 (9th Cir. 1983). "Motions to strike
26 are generally viewed with disfavor and are not frequently granted." *Lazar v. Trans Union*
27 *LLC*, 195 F.R.D. 665, 669 (C.D. Cal. 2000). Plaintiff has not persuaded the Court that
28 Defendants' affirmative defenses are insufficient, redundant, immaterial, impertinent, or

1 scandalous.

2 Plaintiff also moves to strike Defendant Ryan's Answer (Doc. 35) in its entirety for
3 the reason that Defendant Ryan's attorney failed to file a notice of appearance. (Doc. 39).
4 Local Rule of Civil Procedure 83.3(a) provides that "no attorney shall appear in any action
5 or file anything in any action without first appearing as counsel of record." Both
6 Defendants are represented by the same firm. (Docs. 27, 35). The Court will direct counsel
7 to file a formal notice of appearance pursuant to Local Rule 83.3(a). However, the Court
8 does not find that the lack of a formal notice of appearance warrants the drastic sanction of
9 striking Defendant Ryan's Answer. Plaintiff's request will be denied. Accordingly,

10 **IT IS ORDERED** denying Plaintiff's "Motion to Strike/Objection" (Doc. 39).

11 **IT IS FURTHER ORDERED** that defense counsel shall file a formal notice of
12 appearance on behalf of Defendants no later than **October 3, 2019**.

13 Dated this 26th day of September, 2019.

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17 Honorable Eileen S. Willett
18 United States Magistrate Judge
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